



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,917	10/30/2003	Anthony R. Tuel	RSW920030189US1	9643
23550	7590	03/21/2007	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			WU, QING YUAN	
75 STATE STREET			ART UNIT	PAPER NUMBER
14TH FLOOR			2194	
ALBANY, NY 12207				
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	03/21/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/697,917	TUEL, ANTHONY R.
	Examiner	Art Unit
	Qing-Yuan Wu	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

1. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claim 13 is a system claim directed to software alone without claiming associated computer hardware required for execution. Claims 14-17 are dependent claims of claim 13 and do not support the hardware requirement for implementing the system of claim 13, therefore they are rejected for the same reason.

5. As to claims 1, 9, 13 and 18, the current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the claimed subject matter lacks a practical application of a judicial exception since it fails to produce a useful, concrete and tangible result. Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a

result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for requesting preparation of resources, concurrently preparing and/or committing plurality of resources for a transaction, and requesting at least one of commitment and roll back of plurality of resources. These produced results remain in the abstract since the requested resource was neither used nor consumed by the transaction, thus, fails to achieve the required status of having real world value.

See MPEP 2107.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5-6, 9, 12-15, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Somogyi et al (hereafter Somogyi) (U.S. Publication 2004/0215594).

8. As to claim 1, Somogyi teaches a method of processing a transaction that requires a plurality of resources, the method comprising: requesting preparation of a first resource; and requesting preparation of a second resource before receiving a preparation response from the first resource [Fig. 4; paragraphs 22 and 25].

9. As to claim 2, Somogyi teaches simultaneously waiting for the preparation response from each resource, and receiving the preparation response for each resource [paragraph 23, lines 13-16; 570, Fig. 5].

10. As to claim 3, Somogyi teaches logging a preparation result for the transaction based on the preparation responses [paragraphs 24 and 27; pgs. 4-5, claims 5 and 10].

11. As to claim 5, this claim is rejected for the same reason as claim 1 above.

12. As to claim 6, this claim is rejected for the same reason as claim 1 above.

13. As to claim 9, Somogyi teaches a method of processing a transaction, the method comprising: concurrently preparing a plurality of resources for the transaction; waiting for a preparation response for each of the plurality of resources; and concurrently committing the plurality of resources [Fig. 4; paragraphs 22 and 25].

14. As to claim 12, this claim is rejected for the same reason as claim 3 above.

15. As to claim 13, this is rejected for the same reason as claim 9 above. In addition, Somogyi teaches a reception system for receiving a transaction request from a requester [paragraph 6].

16. As to claim 14, this claim is rejected for the same reason as claim 3 above.

17. As to claim 15, this is rejected for the same reason as claim 9 above.
18. As to claim 18, this is rejected for the same reason as claims 2 and 9 above. In addition, Somogyi teaches requesting at least one of: commitment and roll back of the plurality of resources [paragraphs 21, 24 and 28].
19. As to claim 20, this is rejected for the same reason as claim 3 above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
21. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Somogyi as applied to claims 1, 9, 13 and 18 above.
22. As to claim 17, this claim is rejected for the same reason as claim 13 above. In addition, Somogyi does not specifically teach creating a plurality of resource threads. However, Somogyi disclosed dispatching interaction commands to idle server threads in a thread pool and situation when all server threads are being utilized (no idle thread) [paragraphs 20-21, 24, 31]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to be

motivated to modify the teaching of Somogyi to further enhance Somogyi's transaction processing method by creating threads or a thread pool with idle threads for preparing resources if not all the server threads are utilized (availability of server threads, idle threads) and that no thread pool exist.

23. Claims 4, 7-8, 10-11, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somogyi as applied to claims 1, 9, 13 and 18 above, in view of Applicant Admitted Prior Art (hereafter AAPA) (Pub. No. 2005/0097555).

24. As to claim 4, Somogyi teaches receiving a transaction request from a requester [paragraph 6]. Somogyi does not specifically teach replying to the requester after receiving the preparation response from each resource. However, Somogyi disclosed reporting results of XA operation [paragraph 27]. In addition, AAPA teaches providing a response to the requester once both resources have been successfully committed [AAPA, paragraph 5].

25. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Somogyi with the teaching of AAPA because Somogyi and AAPA are both in the same field of endeavor and that the teaching of AAPA can further enhances the teaching of Somogyi by properly notifying the operating status of a requested transaction to the requester.

26. As to claim 7, this claim is rejected for the same reason as claim 4 above.

27. As to claim 8, Somogyi does not specifically teach wherein the replying step occurs before the requesting commitment step. However, AAPA teaches providing a response to the requester once both resources have been successfully committed [AAPA, paragraph 5]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have further enhanced the teaching of Somogyi and AAPA by enhancing the notification of operating status of a requested transaction to the requester before a commitment response because resources are bound to commit upon successfully preparation of the resources [330, Fig. 3; paragraph 27; AAPA, paragraphs 4-5].

28. As to claim 10, this claim is rejected for the same reason as claim 4 above.

29. As to claim 11, this claim is rejected for the same reason as claim 8 above.

30. As to claim 16, this is rejected for the same reason as claim 4 above.

31. As to claim 19, this is rejected for the same reason as claim 4 above.

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 7,082,432 to Bhogi et al.

U.S. Patent No. 6,058,388 to Molloy

U.S. Patent No. 5,261,089 to Coleman et al.

U.S. Publication No. 2004/0216107 to Somogyi et al.

“Distributed Transaction Processing: The XA Specification”

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Qing-Yuan Wu

Examiner

Art Unit 2194


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
COMPUTER CENTER 2194